(40)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6780 of 2007

PETITIONER Smt. Kamayani Kashyap, w/o Shri Sanat Kumar Kashyap, aged about 42 years, R/o Bhima Talab, In front of Shiv Mandir, Bazarpara, Janjgir, District Janjgir-Champa(CG)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, School Education DKS Bhawan, Raipur, District Raipur(CG)
2. Director, Rajya Shaikshnik Anusandhan Awam Prashikshan Parisar, Shankar Nagar, Raipur, District Raipur(CG)
3. Director, Lok Shikshan Sanchalanalaya, Raipur, district Raipur(CG)
4. District Education Officer, Janjgir, District Janjgir-Champa(CG)
5. Smt. Ramakanti Sahu, w/o Shri B.L.Sahu, aged about 46 years, R/o Incharge Principal, D.I.E.T.Janjgir, District Janjgir Champa(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Vineet Pandey, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(17.11.2007)

SUNIL KUMAR SINHA, J

Heard.

The petitioner, who is working on the post of Principal D.I.E.T., Janjgir has been transferred from Janjgir to Higher Secondary School, Champa on administrative grounds.

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It is stated that both the institutions are at a distance of about 3-4 km.

Learned counsel for the petitioner argues that the petitioner has been transferred on malafide grounds. He argues that the person, who is being brought on the place of the petitioner, is not having the requisite qualification of Principal D.I.E.T.

In the opinion of this Court, this does not amount to malafide against the petitioner.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafides or extraneous consideration or is against any statutory Rule or Act, the same cannot be interfered with by a Court of Law.

These are not the grounds for interfering with the order of transfer by a Court of law. These are the grounds, which can be considered by the authorities of the department itself.

Learned counsel for the petitioner could not point out any such ground of malafide or of extraneous consideration or that the order has been passed against any statutory rule or the Act.

I do not find any merit in this petition. The petition is not worth admission. The same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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